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<h1 style="text-align: center;">TRANSMITTAL FORM</h1> <p style="text-align: center;"><i>(to be used for all correspondence after initial filing)</i></p>		Application Number	09/891,200
		Filing Date	June 26, 2001
		First Named Inventor	Eugene S. SMOTKIN
		Art Unit	1795
		Examiner Name	R. Alejandro
Total Number of Pages in This Submission	4	Attorney Docket Number	491712000100

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below): Response to Communication Regarding Information Disclosure Statement (2 pages); Copy of previously submitted PTO/SB/08a/b Form (1 page)		
<table border="1"> <tr> <td>Remarks</td> <td>CUSTOMER NO. 25225</td> </tr> </table>			Remarks	CUSTOMER NO. 25225
Remarks	CUSTOMER NO. 25225			

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	MORRISON & FOERSTER LLP		
Signature	/Kate H. Murashige/		
Printed name	Kate H. Murashige		
Date	August 13, 2008	Reg. No.	29,959

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Eugene S. SMOTKIN

Serial No.: 09/891,200

Filing Date: June 26, 2001

For: ELECTROLYTE COMPONENTS FOR
USE IN FUEL CELLS (AS AMENDED)

Examiner: R. Alejandro

Group Art Unit: 1795

**RESPONSE TO COMMUNICATION REGARDING INFORMATION DISCLOSURE
STATEMENT**

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Office communication, mailed June 16, 2008. The Examiner indicates that the Information Disclosure Statement filed August 31, 2007 fails to comply with 37 C.F.R. 1.97(d) because it lacks the fee set forth in 37 C.F.R. 1.17(p).

Applicant inadvertently checked the box indicating that the Information Disclosure Statement was submitted after receipt of a first Office Action rather the appropriate box indicating that the Information Disclosure Statement was submitted after receipt of a Final Rejection. However, the Information Disclosure Statement was timely filed because it was submitted within ninety days of the mailing date of the European Office Action and a certification under 37 C.F.R. § 1.97(e) was provided. Although a fee was not included with the submission, applicant authorized the Commissioner to charge any required fees, including payment of a fee under 37 C.F.R. § 1.17 (p), to the deposit account.

The Information Disclosure Statement of August 31, 2007 was timely filed and authorization to charge the deposit account for the fee under 37 C.F.R. § 1.17 (p) was provided, thus, Applicant would appreciate the Examiner initialing and returning the copy of the Form PTO/SB/08a/b, indicating that the information has been considered and made of record herein.

A fee is included with the electronic filing of this document via EFS-Web.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. § 1.17 (p)) is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petition and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 491712000100.

Dated: August 13, 2008

Respectfully submitted,

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